

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CT-3281-D

CHARLES ALVIN BROWER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MR. PERRITT and ROY COOPER, )  
 )  
Defendants. )

**ORDER**

On November 21, 2018, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”), and recommended dismissing Charles Alvin Brower’s (“Brower” or “plaintiff”) 42 U.S.C. § 1983 complaint for failure to state a claim. See [D.E. 13]. On December 6, 2018, Brower responded [D.E. 14]. Shortly thereafter, Brower died. [D.E. 15].<sup>1</sup>

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

Brower’s response is largely illegible and does not meaningfully address the M&R.

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<sup>1</sup> Nobody filed a motion for substitution under Rule 25(a)(1) of the Federal Rules of Federal Procedure, although the time for doing so has not expired.

Accordingly, de novo review is not required, and the court adopts the conclusions in the M&R. See, e.g., Wells v. Shriners Hosp., 109 F.3d 198, 200–01 (4th Cir. 1997); Orpiano v. Johnson, 687 F.2d 44, 47–48 (4th Cir. 1982).

Alternatively, the court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R.

In sum, after reviewing the M&R, the record, and Brower's response, the court OVERRULES Brower's response [D.E. 14], ADOPTS the conclusions in the M&R [D.E. 13], and DISMISSES Brower's complaint. The clerk shall close the case.

SO ORDERED. This 19 day of February 2019.

J. Dever  
JAMES C. DEVER III  
United States District Judge